

ORIGINAL

FILED

AUG - 2 2012

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONCLERK, U.S. DISTRICT COURT
By [Signature]
DeputyUnited States of America,
Plaintiff,

vs.

LARRY DEREK BLAIN,
Defendant.

§ Criminal No. 3:11-CR-159-D

§

§

§

§

Motion for Appointment
CounselDEFENDANT'S MOTION

Now comes Larry Derek Blain, pro se petitioner and defendant in the above numbered and entitled cause, before this Court to request the appointment of counsel under the "Criminal Justice Act."

MEMORANDUM IN SUPPORT

Pursuant to 18 USCS § 3006(a)(1)(A), (H), & (I), "[r]epresentation shall be provided for any financially eligible person who--

- (A) is charged with a felony or a Class A misdemeanor;
- (H) is entitled to appointment of counsel under the sixth amendment to the Constitution;
- (I) faces loss of liberty in a case, and Federal law requires the appointment of counsel."

In conjunction with this motion for appointment of counsel is a Motion for Leave to Proceed In Forma Pauperis, and accompanying Affidavit In Support, to demonstrate to this court Defendant's indigent status. While Defendant did have retained counsel through the initial charge, conviction and his sentencing. He has now filed a direct appeal and is in need of counsel to represent him through this process. The only way to an effective defense is through an attorney. According to Rule 44(a) of the Federal Rules of Criminal

Procedure, "[a] defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant at every stage of the proceeding from initial appearance through appeal, unless the defendant waives this right."

CONCLUSION

Whereby, Premises considered, the defendant humbly moves this Court to grant him this motion and to appoint him counsel.

Respectfully submitted this 25th day of July 2012.



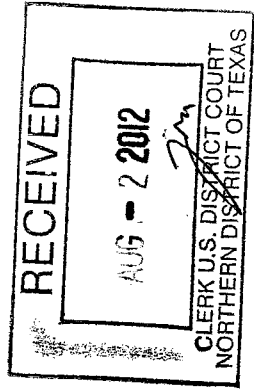
Larry Derek Blain
42073-177 K/A
Federal Correctional Institution
P.O. Box 4200
Three Rivers, Texas 78071

Larry Derek Blain
#42973-177 K/A
Federal Correctional Institution
P.O. Box 4200
Three Rivers, Texas 78071

LEGAL MAIL



SAN ANTONIO TX 78201
AUG 2 2012



Clerk, U.S. District Court
1100 Commerce St., Rm. 1452
Dallas, Texas 75242

75242131052

